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Ex Parte Reexamination Filing Data - December 31, 2009

1.	Total requests filed since start of <i>ex parte</i> reexam on 07/01/81.....	10411 ¹																																																																								
a.	By patent owner	3650 35%																																																																								
b.	By other member of public	6596 63%																																																																								
c.	By order of Commissioner	165 2%																																																																								
2.	Number of filings by discipline																																																																									
a.	Chemical Operation	2959 28%																																																																								
b.	Electrical Operation	3686 35%																																																																								
c.	Mechanical Operation	3600 35%																																																																								
d.	Design Patents	166 2%																																																																								
3.	Annual <i>Ex Parte</i> Reexam Filings																																																																									
<table><tr><th>Fiscal Yr.</th><th>No.</th><th>Fiscal Yr.</th><th>No.</th><th>Fiscal Yr.</th><th>No.</th><th>Fiscal Yr.</th><th>No.</th></tr><tr><td>1981</td><td>78 (3 mos.)</td><td>1989</td><td>243</td><td>1997</td><td>376</td><td>2005</td><td>524</td></tr><tr><td>1982</td><td>187</td><td>1990</td><td>297</td><td>1998</td><td>350</td><td>2006</td><td>511</td></tr><tr><td>1983</td><td>186</td><td>1991</td><td>307</td><td>1999</td><td>385</td><td>2007</td><td>643</td></tr><tr><td>1984</td><td>189</td><td>1992</td><td>392</td><td>2000</td><td>318</td><td>2008</td><td>680</td></tr><tr><td>1985</td><td>230</td><td>1993</td><td>359</td><td>2001</td><td>296</td><td>2009</td><td>658</td></tr><tr><td>1986</td><td>232</td><td>1994</td><td>379</td><td>2002</td><td>272</td><td>2010YTD</td><td>168</td></tr><tr><td>1987</td><td>240</td><td>1995</td><td>392</td><td>2003</td><td>392</td><td></td><td></td></tr><tr><td>1988</td><td>268</td><td>1996</td><td>418</td><td>2004</td><td>441</td><td></td><td></td></tr></table>			Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.	1981	78 (3 mos.)	1989	243	1997	376	2005	524	1982	187	1990	297	1998	350	2006	511	1983	186	1991	307	1999	385	2007	643	1984	189	1992	392	2000	318	2008	680	1985	230	1993	359	2001	296	2009	658	1986	232	1994	379	2002	272	2010YTD	168	1987	240	1995	392	2003	392			1988	268	1996	418	2004	441		
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4.	Number known to be in litigation.....	3307.....32%																																																																								
5.	Decisions on requests.....	9996																																																																								
a.	No. granted.....	9195.....92%																																																																								
(1)	By examiner	9082																																																																								
(2)	By Director (on petition)	114																																																																								
b.	No. denied	801.....8%																																																																								
(1)	By examiner	765																																																																								
(2)	Reexam vacated	35																																																																								

¹Of the requests received in FY 2010, 20 requests have not yet been accorded a filing date, and preprocessing of 8 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

6.	Total examiner denials (includes denials reversed by Director).....	879		
a.	Patent owner requester	448	51%	
b.	Third party requester	431	49%	
7.	Overall reexamination pendency (Filing date to certificate issue date)			
a.	Average pendency	25.4 (mos.)		
b.	Median pendency	19.8 (mos.)		
8.	Reexam certificate claim analysis:	<u>Owner</u>	<u>3rd Party</u>	<u>Comm'r</u>
		<u>Requester</u>	<u>Requester</u>	<u>Initiated</u>
				<u>Overall</u>
a.	All claims confirmed	22%	26%	12%
b.	All claims cancelled	8%	13%	23%
c.	Claims changes	70%	61%	65%
9.	Total <i>ex parte</i> reexamination certificates issued (1981 – present)	7284		
a.	Certificates with all claims confirmed	1745	24%	
b.	Certificates with all claims canceled	834	11%	
c.	Certificates with claims changes	4705	65%	
10.	Reexam claim analysis – requester is patent owner or 3 rd party or Commissioner initiated.			
a.	Certificates – PATENT OWNER REQUESTER	2858		
	(1) All claims confirmed	628	22%	
	(2) All claims canceled	237	8%	
	(3) Claim changes	1993	70%	
b.	Certificates – 3 rd PARTY REQUESTER	4274		
	(1) All claims confirmed	1099	26%	
	(2) All claims canceled	562	13%	
	(3) Claim changes	2613	61%	
c.	Certificates – COMMISSIONER INITIATED REEXAM	152		
	(1) All claims confirmed	18	12%	
	(2) All claims canceled	35	23%	
	(3) Claim changes	99	65%	